Annual Report
2000-2001

Saskatchewan Information and Privacy Commissioner

101-05415/

Saskatchewan
Information and Privacy
Commissioner

SASKATCHEWAN

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June 4, 2001.

Speaker's Office,
Province of Saskatchewan,
Room 129, Legislative Building,
Regina, Saskatchewan.
S4S 0B3

Dear Sirs:

In accordance with the provisions of Section 62(2) of *The Freedom of Information and Protection of Privacy Act*, I am forwarding to you my first Annual Report to the Legislative Assembly.

Yours very truly,

G. L. GERRAND
Conflict of Interest Commissioner
Province of Saskatchewan

GLG/oc
Enclosure

Saskatchewan
Information and Privacy
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This is my first report as Saskatchewan Information and Privacy Commissioner. It is submitted pursuant to the provisions of Section 26 of *The Freedom of Information and Protection of Privacy Act*. The report covers the period from February 23, 2000, the date of my appointment as Acting Commissioner, to March 31, 2001.

On May 24, 2000, I was formally appointed Information and Privacy Commissioner for the Province of Saskatchewan by motion of the Legislative Assembly of Saskatchewan. I am honored and pleased to play a role in our Province in the evolving concepts of privacy and freedom of information.

Following my appointment, I took delivery of and familiarized myself with the files and office materials of my predecessor, Mr. Derril G. McLeod, Q.C. I wish to thank the several persons in the offices of the Clerk of the Legislative Assembly and Financial Services for introducing me to and guiding me through the governmental procedures respecting budgets, organizations and reporting.

The Freedom of Information and Protection of Privacy Act is designed to achieve two important societal objectives. Firstly, the *Act* promotes openness and transparency in government. The *Act* requires provincial government institutions to provide citizens, upon request, information and copies of documents in the possession of or under the control of government institutions. This obligation is subject to exceptions and exemptions so as to permit government to operate in an efficient and businesslike manner. Secondly, the *Act* promotes the protection by government of the personal information it must acquire and assemble from citizens for the purposes of carrying out

government programs. The manner in which personal information of citizens is collected, used and disclosed is prescribed by the *Act*.

Similar objectives are to be found in *The Local Authority Freedom of Information and Protection of Privacy Act*.

My role as Information and Privacy Commissioner includes assisting citizens in acquiring information from government in appropriate circumstances and further in monitoring the activities of government respecting its handling of personal information of citizens. The manner in which I may assist and monitor in these areas is, of course, delineated in the *Act*.

During the period covered by this report, I have continued, where appropriate, the unfinished Reviews of my predecessor and initiated Reviews when formally requested pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act* and under its companion legislation *The Local Authority Freedom of Information and Protection of Privacy Act*.

The conduct of a Review varies with the circumstances of a particular Request for Review. Typically, a Review involves communications with the Applicant for the Review and officials of the government institution or local authority that has possession or control of the information being sought. As well, a Review usually entails a personal inspection by myself of documentation related to the information which is the subject of the particular access application. The documentation inspected in a particular Review may be comprised of hundreds of pages or a single page. Settlement by agreement may be achieved during the course of a Review or the Request for Review may be abandoned.

The Freedom of Information and Protection of Privacy Act

During the period of this Report, 54 Reviews filed with my predecessor were continued, 25 Requests for Review were filed, 18 Requests for Review were abandoned, 16 Requests were resolved without Report, 13 Reviews were initiated and 8 Reports were rendered

The Local Authority Freedom of Information and Protection of Privacy Act

During the period of this Report, 11 Reviews, filed with my predecessor were continued, and 6 Requests for Review were filed. Three Requests were abandoned and one Report was rendered.

General Inquiries

Inquiries from members of the public are received and responded to regularly. These inquiries have covered a wide range of matters related to information and privacy issues and the inquiries are made by telephone in almost all instances. The majority of requests for information relate to the procedures to be followed in seeking information from government institutions and the obligation of government institutions to keep confidential personal information. Approximately 200 general inquiries were received and responded to during the period of this Report.

The Protection of Privacy

The authority of the Commissioner in this area is set forth in Section 33 of *The Freedom of Information and Protection of Privacy Act*.

"33 The commissioner may:

(a) offer comment on the implications for privacy protection of proposed legislative schemes or government programs;

(b) after hearing the head, recommend that a government institution:

(i) cease or modify a specified practice of collecting, using or disclosing information that contravenes this Act; and

(ii) destroy collections of personal information that is collected in contravention of this Act;

(c) in appropriate circumstances, authorize the collection of personal information in a manner other than directly from the individual to whom it relates;

(d) from time to time, carry out investigations with respect to personal information in the possession or under the control of government institutions to ensure compliance with this Part."

An identical provision appears in *The Local Authority Freedom of Information and Protection of Privacy Act*.

As will be seen from the above provision, my powers are limited to offering comment respecting proposed schemes and programs of government and recommending the cessation or modification of a specified practice respecting the collection, use or disclosure of information in certain circumstances, including the destruction of personal information.

During the subject period, I have been requested to exercise my powers under Section 33 on 7 occasions. I have provided reports or alternatively negotiated satisfactory resolutions of concerns over privacy issues formally brought to me.

Bill C-6

The Personal Information Protection and Electronic Document Act, formerly Bill C-6, came into effect January 1, 2001. Businesses in Saskatchewan that are involved with trans border data flow will be federally regulated by this new privacy law. I attended a conference in Ottawa in December to discuss the likely ramifications of this new statute. This meeting was hosted by Mr. George Radwoski, Privacy Commissioner for Canada, and served to delineate the views of the office of the Federal Privacy Commissioner as to the purpose and scope of Bill C-6.

Expenditures of Office

The sum of $96,031.17 has been expended in the operation of the Office of the Information and Privacy Commissioner for the period February 23, 2000 to March 31, 2001. This expenditure is below the amounts budgeted for the operation of the office for this period.

DATED at Regina, Saskatchewan, this 4th day of June, 2001.

G.L. Gerrand, Q.C.
Freedom of Information
and Privacy Commissioner
Province of Saskatchewan